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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KENNETH FLEMING and JOHN DOE,  
Plaintiffs,

v.

THE CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF  
JESUS CHRIST OF LATTER-DAY  
SAINTS, a Utah corporation sole, a/k/a the  
"MORMON CHURCH," LDS SOCIAL  
SERVICES a/k/a LDS FAMILY SERVICES,  
a Utah corporation,  
Defendants.

No. **CV4 2338** *ksm*  
King County Superior Court  
Cause No.: 04-2-33910-3KNT

NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C.  
§1441  
(DIVERSITY JURISDICTION)

  
  
04-CV-02338-CMP

TO: THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF  
WASHINGTON AT SEATTLE

Defendants hereby give notice that they are removing this case to the United  
States District Court for the Western District of Washington on the grounds set forth  
below.

1. On October 25, 2004, the above-entitled action was filed by plaintiffs  
against defendants in King County Superior Court and thereafter was given cause  
number 04-2-33910-3 KNT. The matter was assigned to The Honorable James D.

NOTICE OF REMOVAL  
OF ACTION TO FEDERAL COURT - 1  
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STAFFORD FREY COOPER  
*Professional Corporation*  
ATTORNEYS  
3100 TWO UNION SQUARE  
601 UNION STREET  
SEATTLE, WASHINGTON 98101-1374  
TEL (206) 623-9900  
FAX (206) 624-6885

ORIGINAL

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1 Cayce. See Exhibit 1 attached to the Verification of State Court Records. A copy of the  
2 Order Setting Civil Case Schedule issued by the King County Superior Court Clerk on  
3 October 25, 2004, is attached as Exhibit 2.

4 2. On October 26, 2004, defendant LDS Social Services was served with a  
5 copy of plaintiffs' Summons and Complaint. See Exhibit 3 attached to the Verification of  
6 State Court Records.

7 3. On November 10, 2004, counsel for defendants filed a Notice of  
8 Appearance on behalf of all defendants with King County Superior Court, which is  
9 attached as Exhibit 4 to the Verification of State Court Records.

10 4. On November 10, 2004, counsel for defendants filed an Acceptance of  
11 Service on behalf of defendant The Corporation of the President of the Church of Jesus  
12 Christ of Latter-Day Saints, which is attached as Exhibit 5 to the Verification of State  
13 Court Records.

14 5. All defendants join in this removal without waiving insufficiency of service  
15 or process of service.

16 6. There have been no further proceedings in this action.

17 7. Under the express terms of the complaint, plaintiffs allege claims of  
18 negligence and breach of fiduciary duty, negligent infliction of emotional distress,  
19 estoppel and fraudulent concealment and civil conspiracy against defendants, both  
20 incorporated in the State of Utah and both with its principal place of business in Utah.

21 8. This is a civil action over which this Court has original jurisdiction pursuant  
22 to 28 U.S.C. § 1332. The entire case may be removed to the United States District  
23 pursuant to 28 U.S.C. § 1441 because the action involves a controversy between  
citizens of different states and the amount in controversy exceeds \$75,000.00 exclusive  
of interest and costs.

NOTICE OF REMOVAL  
OF ACTION TO FEDERAL COURT - 2

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601 UNION STREET  
SEATTLE, WASHINGTON 98101-1374  
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1 9. Defendants have filed this Notice of Removal within thirty days after  
2 receipt, through service or otherwise, of a copy of plaintiffs' Complaint. See 28 U.S.C. §  
3 1446(b).

4 10. This Court is the district court of the United States for the district and  
5 division embracing the place where the state court action is currently pending. See 28  
6 U.S.C. § 1441(a).

7 WHEREFORE, defendants hereby give notice that the civil action in King County  
8 Superior Court of the State of Washington has been removed from that Court to the  
9 United States District Court for the Western District of Washington.

10 DATED this 18<sup>th</sup> day of November, 2004 at Seattle, Washington.

11 **STAFFORD FREY COOPER**  
12 *Professional Corporation*

13 By 

14 Thomas D. Frey, WSBA #1908  
15 Marcus B. Nash, WSBA #14471  
16 Attorneys for Defendants  
17  
18  
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22  
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NOTICE OF REMOVAL  
OF ACTION TO FEDERAL COURT - 3

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**STAFFORD FREY COOPER**  
*Professional Corporation*

ATTORNEYS  
3100 TWO UNION SQUARE  
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SEATTLE, WASHINGTON 98101-1374  
TEL (206) 623-9900  
FAX (206) 624-6885

The Honorable James D. Cayce

SUPERIOR COURT OF WASHINGTON  
FOR KING COUNTY

KENNETH FLEMING and JOHN DOE,

Plaintiffs,

v.

THE CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF  
JESUS CHRIST OF LATTER-DAY  
SAINTS, a Utah corporation sole, a/k/a the  
"MORMON CHURCH," LDS SOCIAL  
SERVICES a/k/a LDS FAMILY SERVICES,  
a Utah corporation,

Defendants.

No. 04-2-33910-3KNT

**NOTICE TO SUPERIOR COURT  
OF REMOVAL TO FEDERAL  
COURT**

TO: Clerk of the Superior Court of Washington for King County;

AND TO: KENNETH FLEMING and JOHN DOE, Plaintiffs;

AND TO: MICHAEL T. PFAU, Attorney for Plaintiffs;

AND TO: TIMOTHY D. KOSNOFF, Attorney for Plaintiffs;

Please take notice that on the 18<sup>th</sup> day of November, 2004, defendants filed with  
the United States District Court for the Western District of Washington at Seattle a

**NOTICE TO SUPERIOR COURT OF  
FEDERAL COURT REMOVAL - 1**

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**STAFFORD FREY COOPER**

Attorneys  
3100 TWO UNION SQUARE  
601 UNION STREET  
SEATTLE, WASHINGTON 98101-1374  
TEL (206) 623-9900  
FAX (206) 624-6885